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REMARKS

This is in response to the outstanding Office Action dated January 31, 2006. Claims 1-13 have been previously canceled without prejudice or disclaimer. Claims 14-24 are pending. Independent Claims 14 and 18 have been amended. Applicant respectfully requests reconsideration of the amended claims and withdrawal of the outstanding rejections.

In the outstanding Office Action, independent Claims 14 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kiik et al. (D369,421) in view of Phillips (6,014,847).

Independent Claim 14 has been amended to define the invention as a shingle wherein each underlay sheet has one or more shadow patches and one or more non-shadow portions. The one or more shadow patches and the one or more non-shadow portions are alternately arranged along a longitudinal axis of the underlay sheet.

Independent Claim 18 has been amended in a similar fashion.

In the outstanding Office Action, the Examiner asserts that the Kiik reference (Figures 1 and 2) shows all of the limitations of Applicant's independent Claims 14 and 18 with the exception that the underlay sheet has granules of dark and light color. However, the shingle shown in Kiik (Figures 1 and 2) does not show an underlay sheet having one or more shadow patches and one or more non-shadow portions alternately arranged along a longitudinal axis of the underlay sheet as claimed in Applicant's amended independent Claims 14 and 18. The shingle shown in Kiik (Figures 1 and 2) is a laminated shingle having an overlay and an underlay. The portions of the underlay sheet visible between and below the tabs of the overlay sheet are uniform in appearance. The entire visible portion of the underlay is illustrated as being one uniform color or shade which is darker (i.e. black, as shown in Figs. 1 and 2) in appearance relative to the tabs. The visible portion of the underlay sheet of the Kiik et al. shingle does not include one or more shadow patches and one

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or more non-shadow portions alternately arranged along a longitudinal axis of the underlay sheet as claimed in Applicant's amended independent Claims 14 and 18. In the Office Action, the Examiner has included a marked Fig. 1 indicating the non-shadow portion. However, the non-shadow portion indicated by the Examiner in Fig. 1 merely illustrates a tab of the overlay sheet extending to the bottom edge of the underlay sheet. The tab of the overlay sheet completely covers the underlay sheet, and accordingly the underlay sheet is not visible at this portion of the shingle. The non-shadow portion of the underlay sheet, as identified by the Examiner in the marked Fig. 1, is simply not a non-shadow portion of the underlay sheet as claimed in Applicant's independent Claims 14 and 18.

To overcome the deficiencies in Kiik, the Examiner relies on Phillips. The Examiner asserts that Phillips discloses a shingle with an underlay sheet having granules of light and dark colors.

However, even if the Kiik and Phillips references are combined in a light most favorable to the Examiner, the resulting combination does not meet the limitations of the invention as claimed in Applicant's amended independent Claims 14 and 18. A combination of the Kiik and Phillips references provides the underlay sheet of Phillips and the randomly designed shingle of Kiik. The underlay sheet 14 of Phillips provides a shadow line 40 (Column 4, Lines 6-7) and a remaining portion 46 (Column 4, Lines 28-34). The shadow line 40 and the remaining portion 46 of the underlay sheet 14 each start at the trailing edge 44 (Column 4, Lines 25-28) of the underlay sheet 14 and extend the full length of the underlay sheet 14 (Figure 3).

However, the combination of the Kiik and Phillips references fails to teach an underlay sheet having one or more shadow patches and one or more non-shadow portions alternately arranged along a longitudinal axis of the underlay sheet as claimed in Applicant's amended independent Claims 14 and 18.

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It is well established that all claim limitation must be taught or suggested. As set forth in the MPEP, at least at §2143.03, in order to establish *prima facie* obviousness of a claimed invention, all of the claimed limitations must be taught or suggested by the prior art, citing *In Re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In this regard, Applicant's amended independent Claims 14 and 18 are non-obvious under 35 U.S.C. §103 in view of Kiik and Phillips. Therefore, the rejection of amended independent Claims 14 and 18 is improper and the claims are patentable as amended.

Claims 15-17 depend from amended Claim 14 and should be patentable for at least the same reasons as amended Claim 14, as set forth above.

Claims 19-24 depend from amended Claim 18 and should be patentable for at least the same reasons as amended Claim 18, as set forth above.

In view of the above remarks, Applicant has shown that the amended claims are in proper form for allowance, and the invention, as defined in the amended claims, is neither disclosed nor suggested by the references of record. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of record, and allowance of all claims.